

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA,

v.

LAWTON C. HEARD and CRAIG A.
HOWELL,

Defendants.

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Case No. 1:12-CR-40 (WLS)

ORDER

The Court held a motion hearing in the above-captioned case on October 7, 2013. The instant order memorializes the Court's rulings and the events during the hearing. Defendant Craig Howell, through counsel, withdrew his Motion to Sever. (Doc. 136.) That motion is therefore **ORDERED** withdrawn.

As to Defendant Lawton Heard, the Government agreed to provide notice under Federal Rule of Evidence 404(b)(2) of its intent to introduce prior bad acts and the general nature of that evidence by Friday, October 11, 2013. That motion, to the extent it requires adjudication, is **GRANTED**. The Government is **ORDERED** to provide notice of such evidence by **Friday, October 11, 2013**. Additionally, regarding Lawton Heard's Motion in Limine Regarding Co-Conspirator's Statements (Doc. 138), the Government agreed to try to lay a foundation before seeking admissibility of a coconspirator statement under Federal Rule of Evidence 801(d)(2)(E). Prior to seeking to introduce a coconspirator statement, the Government will request a recess and the Court will hold a *James* hearing to determine whether the proposed statement is admissible. That motion (Doc. 138) is also **GRANTED** as set out herein.

Because they have pleaded guilty, the Brad Heard Sr.'s and Brad Heard Jr.'s pending motions (Docs. 74, 131) are **DENIED** without prejudice as moot.

SO ORDERED, this 8th day of October 2013.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS
UNITED STATES DISTRICT COURT